

HOUSE BILL NO. 434

INTRODUCED BY C. SCHRUMPF

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A COURT MAY, AS A CONDITION OF SENTENCE, IMPOSE RESIDENCY RESTRICTIONS ON A PERSON CONVICTED OF A SEXUAL OFFENSE AND DESIGNATED AS A LEVEL 3 OFFENDER MAY NOT KNOWINGLY OR NEGLIGENTLY RESIDE, DURING A PERIOD OF PROBATION OR PAROLE FOR THE OFFENSE, WITHIN 150 YARDS OF A PRIVATE OR PUBLIC ELEMENTARY OR HIGH SCHOOL, PRESCHOOL, LICENSED DAY-CARE CENTER, CHURCH, OR PARK MAINTAINED BY A CITY, TOWN, OR COUNTY WITHOUT THE WRITTEN APPROVAL OF THE SUPERVISING PROBATION OR PAROLE OFFICER; PROVIDING A CRIMINAL PENALTY FOR VIOLATING RESIDENCY RESTRICTIONS; AMENDING SECTION ~~46-23-507~~ 46-18-255, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

Section 1. Section 46-18-255, MCA, is amended to read:

"46-18-255. Sentence upon conviction -- restriction on employment and residency. (1) A judge sentencing a person upon conviction of a sexual or violent offense shall, as a condition to probation, parole, or deferment or suspension of sentence, impose upon the defendant reasonable employment or occupational prohibitions and restrictions designed to protect the class or classes of persons containing the likely victims of further offenses by the defendant.

(2) In addition to any restriction on employment imposed under subsection (1), a judge sentencing a person convicted of a sexual offense involving a minor and designated as a level 3 offender under 46-23-509 shall, as a condition to probation, parole, or deferment or suspension of sentence, impose upon the defendant restrictions on the defendant's residency in the proximity of a private or public elementary or high school, preschool as defined in 20-5-402, licensed day-care center, church, or park maintained by a city, town, or county.

1 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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3 NEW SECTION. **Section 3. Applicability.** [This act] applies to persons sentenced after [the

4 effective date of this act].

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